

## **BOARD OF SELECTMEN – MAY 23, 2011**

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### **I. Call to Order/Roll Call**

Chairman Brian Major called the Regular meeting of the Board of Selectmen to order at 7:00 P.M. in the Selectmen's Conference Room at the Town Offices. Present were: Chairman Major and Selectmen Mary Lyman, Ted Teichert, Alex Vispoli and Paul Salafia. Also present were: Assistant Town Manager Steve Bucuzzo and Town Clerk Larry Murphy. The meeting was duly posted and cable-cast live.

### **II. Opening Ceremonies**

Chairman Major asked for a Moment of Silence followed by the Pledge of Allegiance.

### **III. Communications/Announcements/Liaison Reports**

Selectman Salafia reported the Town Yard Task Force is in the middle of evaluating the RFP's received. In addition, he recognized the Rotary Club awards given to the residents and Town employees last week.

Selectman Teichert said the School Building Committee is meeting on Wednesday, May 25<sup>th</sup> in the Selectman's conference room at 8:00 A.M. He also reported that Memorial Day Services would be held on Monday, May 30<sup>th</sup> at 7:00 A.M. at West Parish Cemetery, 7:30 A.M. at the St. Augustine's Cemetery and at 8:00 A.M. at the Spring Grove Cemetery. Ceremonies will also be held at the Public Safety Center and the parade will begin at 10:00 A.M.

Selectman Vispoli congratulated the members of the Andona Society for another successful Clown Town which was held in The Park this weekend. He also reported that the Health Care Reform Bill is being debated in the Senate this week and said the School Committee has filed amendments on Circuit Breaker reimbursements.

Selectman Lyman announced that Susan Stott and Joe Piantedosi will be recognized at the Andover Chamber of Commerce Community Service Awards Breakfast on Wednesday, June 2<sup>nd</sup> at the Indian Ridge Country Club.

### **IV. Citizens Petitions and Presentations – None**

### **V. Public Hearing**

Chairman Major opened the Public Hearing at 7:06 P.M.

#### **A. Andover Country Club, Inc.**

Pursuant to Chapter 138 of the General Laws, as amended, the Andover Country Club, Inc., d/b/a Andover Country Club, 60 Canterbury Street, Andover, MA, has applied for a Common Victualler's All-Alcoholic Beverage License for 62 Canterbury Street, Andover, MA. Mark D. McMahon is the designated Manager of record. The request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license.

Larry Murphy explained this is a new request for a seasonal license limited to a specific timeframe and requires an annual approval from the Board.

Attorney Lesley Kerry of Johnson & Borenstein, representing the Andover Country Club, explained the layout of the 60 Canterbury Street location which houses the pool and tennis facility and is totally separate from the existing clubhouse building at 60 Canterbury Street. The seasonal license requested runs from May through September

2011 and is in effect from 10:00 A.M. to 9:00 P.M. daily. Clubhouse Manager Mark McMahon reported he, as well as all employees at the facility, are TIPS trained.

Mr. McAvoy, 11 Amherst Road, said he is concerned about noise beyond the pool hours and inquired about the trees that were to be planted. Mr. McMahon stated the music system will be low-key with the volume turned down at 6 P.M., the tennis court area will not be lighted, and he will check on the planting of the trees. If there are any changes to the liquor license all abutters will be notified.

Selectman Vispoli motioned to grant a seasonal all-alcohol pouring license to the Andover Country Club, Inc., d/b/a Andover Country Club under Massachusetts General Laws, Chapter 138 Sections 12 & 17 for 62 Canterbury Street, the premises known as the Andover Country Club Pool and Tennis Facility, for the period May 1, 2011 through September 30, 2011 as presented and recommended by the Town Clerk, subject to the condition that all other requirements of the Town are met prior to the issuance of the license. The motion was seconded by Selectman Salafia and unanimously approved.

## **VI. Regular Business of the Board**

### **A. Shawsheen River Restoration Project**

Tom Ardito of EcoSystem Restoration gave a presentation on the restoration of the Shawsheen River and the dam removal project for the Balmoral and Marland Place Dams. The River Restoration Project would restore the river's ecosystem, restore native migratory fish, improve the water quality and increase the value of the Shawsheen River for recreational purposes. Feasibility studies and assessments of potential impacts were performed and assessed. Removal of the Balmoral Dam will not worsen flooding in the area but they hope it will create a modest reduction. He stated the project team is ready to move forward in the permitting process.

Planning Director Paul Materazzo reported that the Andover Planning Board voted to support the recommendation of the Conservation Commission identifying the Town as the entity best positioned to be the primary applicant on state, federal, and local permits necessary for the removal of the Balmoral Dam to proceed. The Balmoral Condominium Board also voted to approve removal of the dam. The estimated cost of the dam removal will be approximately \$300,000 – \$400,000 and funded primarily from the State with some private and non-profit funding.

On a motion by Selectman Vispoli with a second by Selectman Teichert, it was unanimously voted to approve the request for the Town to be the applicant for the Balmoral Dam deconstruction project.

### **B. I-93 Tri-Town Development Area Market Study**

Director of Planning Paul Materazzo explained the request for approval of the Memorandum of Agreement for the market study to be performed related to the assessment of the I-93 Tri-Town Development Area.

Selectman Salafia motioned to approve the Memorandum of Agreement for the market study to be performed related to the assessment of the I-93 Tri-Town Development Area as requested. The motion was seconded by Selectman Vispoli and voted 5-0 to approve.

### **C. Solar Farm Proposal**

Director of Planning Paul Materazzo gave a presentation regarding a private proposal from Sun Gen for a solar farm located at 1350 South Street to install 18,000 solar panels across 17.7 acres which could produce four megawatts of energy. He provided a copy of

the site plan and supporting details to the Board. No action taken.

**D. Elderly Housing Overlay District**

Director of Planning Paul Materazzo explained the proposed Elderly Housing Overlay District on River Road which would be in collaboration with Continental Wingate Development Company to develop an assisted living/independent living community. Attorney Mark Johnson representing Continental Wingate Development, and Steve Levin, President of Wingate Development, were present. They suggested a task force of community members be formed to develop a vision for the area, hopefully resulting in a warrant article to be presented at Town Meeting. Historically, a Task Force has not been assigned to a private developer. No action was taken by the Board.

**E. Selectmen's Policy Amendments**

Town Clerk Larry Murphy discussed amendments to the Selectmen's Policy regarding serving alcoholic beverages on public sidewalks under an outdoor dining license. Proposed amendments were provided to the Board along with information on liability coverage. Amendments would have to be applied for by each establishment. This policy only opens the door for the Board to consider this option.

Selectman Lyman reported receiving feedback from residents about alcohol being served specifically in this particular location requested by Matt Morello of Brassiere 28 (corner of Post Office Avenue and Main Street). The Board agreed to gather more public information before making a decision.

Mary Carbone, 3 Cyr Circle, asked if the Town would derive any revenue for allowing a public way to be used for these purposes and she would like to know what the Chief of Police recommends.

**F. Re-precincting**

Town Clerk Larry Murphy discussed the proposed changes to the Town's precinct lines due to the results of the population changes indicated in the Federal Census data. The Town Clerk displayed a draft map of the new precinct lines and because the statutory deadline for approval of the re-precincting has been moved from June 15<sup>th</sup> to June 7<sup>th</sup> he needs direction from the Board tonight.

On a motion by Selectman Vispoli with a second by Selectman Lyman it was voted 5-0 to approve the draft map with changes as suggested by Town Clerk Larry Murphy.

**VII. Sewer Commissioners**

**A. Proposed Sewer Rate Increase**

On a motion by Selectman Teichert with a second from Selectman Lyman it was voted 5-0 to adjourn as Selectmen to Sewer Commissioners. Roll call: Chairman Major – Y, Selectman Lyman – Y, Selectman Teichert – Y, Selectman Vispoli – Y and Selectman Salafia – Y.

Finance Director Tony Torrisi explained the process in place for water/sewer to maintain self-sufficiency which requires a periodic review of water and sewer rates. Included in the packet of information to the Board is the comparison of sewer rates with the 16 comparable communities and a history chart of rate changes which shows the last sewer rate increase occurring four years ago. The current sewer rate is \$3.09 and the rate being proposed is \$3.21 or a 4% increase.

Richard Howe, 3 Robandy Road, believes the system should be self-sustaining and suggested they consider a graduated rate based on use once the water meter change over is complete.

As this is a first reading of a rate increase, the Board will not take action on this agenda item until the June 13 meeting.

On a motion by Selectman Lyman with a second from Selectman Vispoli it was voted 5-0 to adjourn as Sewer Commissioners and to reconvene to the Regular Meeting. Roll call: Chairman Major – Y, Selectman Lyman – Y, Selectman Teichert – Y, Selectman Vispoli – Y and Selectman Salafia – Y.

## **VIII. Consent Agenda**

### **A. Common Victualler Licenses**

Selectman Salafia motioned to approve the request by the Andover Country Club, Inc., 60 Canterbury Street, Andover, MA, for a Common Victualler license for use at the Andover Country Club Pool and Tennis Facility, 62 Canterbury Street, Andover, and also to approve the request by Corporate Chefs, Inc., 800 Federal Street, Andover, MA, for a Common Victualler license for use at 800 Federal Street, Andover. Both requests have been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses. The motion was seconded by Selectman Lyman and voted 5-0 to approve.

### **B. Change of Manager**

On a motion by Selectman Lyman with a second by Selectman Vispoli, it was unanimously voted to approve the request of ARAMARK Educational Services, LLC, d/b/a Andover Inn, 4 Chapel Avenue, Andover, MA for a Change of Manager on their All-Alcoholic Innholder License. The new Manager of record will be Eric Heinrich.

On a motion by Selectman Lyman with a second by Selectman Vispoli, it was unanimously voted to approve the request of Courtyard Management Corporation, d/b/a Courtyard by Marriott Hotel, 10 Campanelli Drive, Andover, MA, for a Change of Manager on their All-Alcoholic Innholder License. The new Manager of record will be Matthew Nolan.

Both requests have been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses.

### **C. One-Day Beer & Wine Licenses**

On a motion by Selectman Vispoli with a second by Selectman Lyman, it was unanimously voted to approve the request of Elaine Clements, Director, Andover Historical Society, 97 Main Street, Andover, MA, for a one-day beer & wine license for use on Friday, June 3, 2011 from 6:00 P.M. to 9:00 P.M. for a fundraiser at Tactician, 305 North Main Street, Andover; and also to approve the request of Jose Batistine, Indra Salon & City Spa, 8 Main Street, Andover, MA, for a one-day beer & wine license for use on Thursday, June 9, 2011 from 6:00 P.M. to 8:00 P.M. for a fundraiser auction at 8 Main Street, Andover. The requests have been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses.

### **D. One-Day All-Alcoholic Beverage Licenses**

On a motion by Selectman Teichert with a second by Selectman Vispoli, it was voted 5 – 0 to approve the requests of Deborah B. Murphy, Director of Alumni Affairs, on behalf of the Trustees of Phillips Academy, 180 Main Street, Andover, for four one-day all-alcoholic beverage licenses on the following dates and times for Alumni Weekend events at various locations on the Phillips Academy campus on the following dates:

Wednesday, June 8, 2011 from Noon to Midnight for the locked storage of alcohol at the Smith Center function space; Thursday, June 9, 2011 for locked storage from Noon to Midnight with service from 6:00 P.M. to 10:00 P.M. at locations indicated in the attached 2011 Reunion Events Plan; Friday, June 10, 2011 for locked storage from Noon to Midnight with service from 5:30 P.M. to 11:00 P.M. at locations indicated in the attached 2011 Reunion Events Plan; and Saturday, June 11, 2011 for locked storage from Noon to Midnight with service from 5:00 P.M. to Midnight at locations indicated in the attached 2011 Reunion Events Plan. The request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses.

**E. Block Party Request**

On a motion by Selectman Salafia with a second by Selectman Lyman, it was unanimously voted to approve the request of Kate McHugh, Wolcott Avenue, to block off her street for the neighborhood's 33<sup>rd</sup> annual block party on Saturday, June 11, 2011 from 4:00 P.M. to 8:00 P.M. (raindate – June 12, 2011). The request has been reviewed and approved with conditions by the Police Department.

**F. Downtown Boutique Blowout Sidewalk Sale**

On a motion by Selectman Lyman with a second by Selectman Salafia, it was unanimously voted to approve the request of Merit Tukiainen of Night & Day, 63 Park Street, Andover, MA, on behalf of the following downtown merchants, are requesting permission to place a table and/or clothing racks in front of their businesses on Thursday, June 9<sup>th</sup>; Friday, June 10<sup>th</sup> and Saturday, June 11<sup>th</sup> during their regular business hours for a "Boutique Blowout Sale":

Beauty Solutions, 36 Main Street  
Chic Consignment, 46 Main Street  
dresscode, 2 Elm Square  
Izzy's Emporium, 21 Barnard Street  
Les Fleurs, 27 Barnard Street  
Lyn Evans Potpourri Designs, 9 Main Street  
Metamorphosis Art & Design, 10 Essex Street  
Night & Day, 63 Park Street  
Quiet Pleasures Jewelry, 29 Main Street  
Rapids, 39 Main Street  
Savoir Faire Home, 23 Barnard Street  
Soiree, 13 Main Street  
Sotherland & Company, 44 Main Street

The request has been reviewed and approved with conditions by the Police Department.

**G. Appointments and Re-appointments**

On a motion by Selectman Teichert with a second by Selectman Lyman, it was unanimously voted to approve the following appointments recommended by the Town Manager and presented in the agenda:

CONSERVATION OVERSEERS – Terms to expire 6/30/14

Carol Minasian – Boloian Reservation

Mark Kristiansen – Hearthstone Village Green Area

Nathan Beams – Hearthstone Village Green Area

Josh Howard – Carmel Woods

**IX. Approval of Minutes from Previous Meetings**

On a motion by Selectman Vispoli with a second by Selectman Lyman, it was voted 5-0 to approve the Regular Meeting Minutes of May 9, 2011 as presented.

**X. Adjournment**

On a motion by Selectman Salafia with a second by Selectman Lyman it was unanimously voted to adjourn the Regular Meeting of May 23, 2011 at 9:17 P.M.

Respectfully submitted

Dee DeLorenzo  
Recorder

Documents: Andover Country Club Liquor License Application  
Shawsheen River Restoration Project  
I-93 Tri-town Development Area Market Study Memo of Understanding  
Wingate-Elderly Housing/Assisted Living Overlay Information  
Liquor License Policy Amendments  
Sewer Rate Increase Proposal  
Draft of Re-precincting lines  
Minutes of May 9, 2011